

Keith Salas, Investigator III,
Office of the City Auditor, City of
Austin, received pages 1-188 at
1:36pm, January 21, 2020.
January 21, 2020

Cover Letter

City Auditor,

My January 21, 2020 evidence-based Request to Investigate, alleging violations of City codes, state law, & federal law, as well as City personnel policies by City officials & employees, is comprised of the following section's (in order):

- 1) Beginning information, including rationale, investigation targets & requested actions of the City Auditor (pages 4 to 7)
- 2) Synopsis, recounting what happened when, how, why, & by whom to whom (pages 8 to 22)
- 3) Federal crimes, explicating premeditated, intentional First & Fourteenth Amendment violations against me to oppress me by conspiracy, violating U.S.C.A. Title 18 Chapter 13 Section 241 (Pages 23 to 35)
- 4) State crimes, explicating violations of the Texas Open Meetings Act, Texas Citizen's Participation Act, & oath of office, related to official oppression (Texas Penal Code 39.03) tampering with governmental records (Texas Penal

Code 37.10), and abuse of official capacity (Texas Penal Code 39.02) as well as assault by contact (Texas Penal Code 22.01) (pages 36 to 61)

- 5) Conclusion (pages 61, to 64)
- 6) Contact info (pages 64 to 64)
- 7) Exhibits (pages 65 to 185)
- 8) Referenced cases (pages 186 to 188)

To fully understand the importance & severity of my Request to Investigate, read my original complaint to the Ethics Review Commission (Exhibit 5) in its entirety because there is much information there I did not restate in my Request to Investigate such as the previous Citizen Communication violation by Staff Liaison Vicky Nguyen & problem caused by the Commission for Women at their December 12, 2018 meeting that was promptly & properly documented & dealt with by Ms. Stephanie Hall, boards/commissions Coordinator (Office of the City Clerk) and the legal argument for abusive/disparaging "hate" speech being constitutionally protected, explained in writing to the Office of the City Clerk December 2018.

In addition, there's new information in my Request to Investigate I did not have when filing my original complaint, like the emails in Exhibits 18-26 I later legally obtained through Public Information Request.

Also, the City's Law Department informed me other emails I sought were not released to me due to attorney-client privilege, including nearly all the emails I requested re: the Ethics Review Commission deciding my original complaint was not under their jurisdiction and deciding not to forward my complaint to the City Auditor's Office.

However, since City employees and officials shall cooperate with City Auditor investigations, per City Code 2-3-5(p) perhaps you'll get anything else you may need from them.

Expect me to regularly follow up with you in person on all this.

I am willing to testify in a court of law.

In Solidarity,

Carlos Leon

Particulars

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Request to Investigate

From : Mr. Carlos Leon

To : Office of the City Auditor

Re : Reporting alleged violations of interconnected city codes & personnel policies, state law & federal law by an apparent network of City employees and City commission members who allegedly intentionally & illegally chilled & punished my constitutionally protected free speech at an open governmental meeting AND protected, instead of punished, the guilty.

Rationale : Per City Code 2-3-5(5)(2,3)

The City Auditor shall manage a reporting system through which a member of the public may submit allegations of wrongdoing, including alleged violations of personnel policy and/or law by city employees and/or city officials.

Per City Code 2-7-2(3) a city official or official includes individuals appointed by the mayor & City Council to city commissions, the city attorney, deputy city attorneys, & department heads.

Evidence-based Investigation Targets

- 1) Rebecca "Becky" Austin - chair/presiding officer, Commission for Women
- 2) Lewis Austin - security guard at One Texas Center, Allied Universal
- 3) Flannery Bope - vice chair, Commission for Women
- 4) Rebecca Kennedy - executive liaison, Commission for Women, Human Resources Department
- 5) Vicky Nguyen - staff liaison, Commission for Women, Human Resources Department
- 6) Bryan Done - staff liaison, Commission for Women, Human Resources Department
- 7) Tanya Athar-Jogee - Commissioner, Commission for Women
- 8) Rossana Barrios - Commissioner, Commission for Women
- 9) Neva Fernandez - Commissioner, Commission for Women

- 10) Amanda Lewis - Commissioner,
Commission for Women
- 11) Dyana Limon-Mercado - Commissioner,
Commission for Women
- 12) Sarah Tuber - Commissioner,
Commission for Women
- 13) Myrna Rios - deputy city clerk,
Office of the City Clerk
- 14) Joseph A. Rodriguez - program
coordinator, Office of the
City Clerk, 6 of 88
- 15) Caroline Webster - assistant
city attorney, Open Government,
Ethics + Compliance Division,
Law Department
- 16) Lynn Carter - executive liaison,
Ethics Review Commission
Assistant City Attorney, Law Department
- 17) Sue Palmer - community staff
liaison, Ethics Review Commission,
Law Department
- (18) Mary Kohle - chair/presiding officer,
Ethics Review Commission

- 19) Luis Sobaros - Vice chair,
Ethics Review Commission
- 20) Betsy Greenberg - Commissioner,
Ethics Review Commission
- 21) Donna Beth McCormick - Commissioner,
Ethics Review Commission
- 22) Nathan Ryan - Commissioner,
Ethics Review Commission
- 23) Pedro Villabos - Commissioner,
Ethics Review Commission

Requested actions :

- 1) Investigate all alleged violations/crimes
- 2) Report all suspected violations to appropriate authorities
- 3) Notify all appropriate local, state, & federal prosecuting authorities for all suspected local, state, & federal crimes committed
- 4) File a sworn complaint with Ethics Review Commission for violations of 27, Article 4
- 5) Provide me written copies of all official reports done by & actions taken by the Board of Ethics Review Commission

Synopsis

Immediately before I started speaking my General Citizen Communication at the beginning of the July 10, 2019 Austin Commission for Women meeting, Chair/presiding officer Rebecca "Becky" Austen, read out loud into the official record, that all meeting attendees could clearly hear new overly restrictive unconstitutional Citizen Communication rules to use to illegally censor, silence, & remove me when I broke them with my legal, constitutionally protected speech during my officially recognized 3-minute speaking time.

In fact, while I was legally speaking during my officially recognized 3-minute General Citizen Communication Austen repeatedly tried speaking over me, falsely claiming I was violating decorum with my constitutionally protected free speech.

When I rightly ignored her attempted interruptions & false warnings by not stopping or altering my speech, she then got out of her chair and walked directly at me to try physically intimidating me into altering or silencing my own speech.

When that tactic also failed, Austin then directed the present Security Guard, Lewis Austin, to illegally remove me from the open meeting to illegally chill my free speech & illegally deny me my First Amendment right to attend the open meeting, violating the Texas Open Meetings Act & the Texas Citizens Participation Act.

When Mr. Austin put his hand on me, I immediately told him not to touch me because that's Assault by Contact violating Texas Penal Code 22.01(a)(3).

As soon as I exited One Texas Center, where the meeting was held, I immediately went to the office of the City Clerk at City Hall to report all the crimes that had just been committed.

Neither Ms. Myrna Rios, Deputy City Clerk nor Mr. Joseph A. Rodriguez, program coordinator, seemed surprised by what had just happened. See Exhibits 1, 2, & 3 for a copy of the official agenda, approved minutes, and link to the audio ~~recorder~~ for the July 10, 2019 Commission for

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Women meeting.

In fact, when I told Rios & Rodriguez what had just happened, Rios handed me a "draft" of a script that seemed very similar to the new unconstitutional Citizen Communication rules that Austin had just read out loud for General Citizen Communication, which is specifically designed for members of the public to address a commission/board for 3 minutes ~~each~~ on topics not on the agenda that are related to that board or commission's charge which I was doing. (See Exhibit 4 for "draft")

Mr. Rodriguez quickly handed me the paperwork to file a complaint against Austin with the Ethics Review Commission, though the complaint should have gone directly to the office of the City Auditor because the initial jurisdiction was the Office of the City Auditor's, not the Ethics Review Commission's - accountability information that Rodriguez either knew or should have known before implying with his action to wrongly file the initial complaint with the Ethics Review Commission.

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Therefore, on August 23, 2019, I filed a 79-page evidence-based complaint against Austin with the Office of the City Clerk for the Ethics Review Commission, following the complaint submission rules (see Exhibit 5 for a copy of the complaint).

The September 9, 2019 letter from Caroline Webster, Assistant City Attorney, Open Government, Ethics & Compliance Division, City of Austin Law Department, stated, "The Chair has determined that the Commission lacks jurisdiction to hear the complaint, as the complaint fails to state a violation within the jurisdiction of the Commission." (See page 2 of Exhibit 6.)

In Webster's letter, "chair" refers to Chair Mary Kahle of the Ethics Review Commission and "Commission" refers to the Ethics Review Commission.

However, that letter which is a governmental record, did not correctly state all the alleged violations I explicitly stated & explicated in my complaint under the 2-1-24 Conflict of Interest umbrella.

Webster's letter failed to include alleged violations of City Codes 2-1-1(c) 2-1-44(A), & 2-1-44(D) [parts 1 of 2 & 2 of 2], apparently to try concealing from the official record the superseding state & federal laws that Austin explicitly broke and others in attendance (Commission for Women Staff liaisons and members) tacitly allowed to be broken in front of them, though they all had previously sworn or affirmed to preserve, protect, & defend the Constitution and laws of the United States and of this State so help them GOD.
(See Exhibit 2 for a copy of the approved minutes of the July 16, 2019 meeting of the Commission for Women showing which Commissioners & staff attended. Exhibits 7-14 are copies of the attending Commissioners' Oaths of Office and Statements of Appointed Officers. Because the three staff in attendance [Vicky Nguyen, Rebecca Kennedy, & Bryan Done, all from Human Resources Department] are City employees you should easily be able to get similar documentation on them)

Webster's letter also falsely stated that I alleged a violation of City Code →

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2-1-2 trying to put words in
my mouth I never said.

Therefore Webster's false entries
in a governmental record she created
appeared intentional.

However, her letter truly stated
"The Commission will review the
Chair's determination at the
Commission's regular meeting set
for October 9, 2019..."

At the October 9, 2019 meeting
that I attended & spoke at,
the Ethics Review Commission
unanimously sustained the chair's
initial jurisdictional determination
dismissing my complaint for lack
of jurisdiction. (See Exhibit 15
~~(~~ for link to audio record of
the October 9, 2019 Ethics
Review Commission meeting)

However, according to Webster's
September 9, 2019 letter, a written
governmental record, and the
list of alleged violations that
the Ethics Review Commission
considered that Chair Mary
Kahle read at loud into the
official record at the beginning

of the October 9, 2019 meeting, an audio governmental record, the Ethics Review Commission did not officially consider alleged City Code violations 2-1-1(C), 2-1-44(A), or 2-1-44(CD), though they were explicitly alleged & explicated in my complaint.

These glaring omissions appeared to be done to give the Ethics Review Commission "official cover" not to forward my complaint to the City Auditor's office because those alleged violations highlight state & federal crimes allegedly committed primarily by Austin, with accomplices before and/or at the fact (i.e., Nguyen Kennedy Dore, Bope, Law Department).

Therefore, though Webster's September 9, 2019 letter said "The Commission may, at its discretion, refer the dismissed complaint to the Office of the City Auditor for possible investigation, as set forth in City Code Section 2-7-41(H)(2)(b), Hahle's October 10, 2019 letter states, "...the Commission did not refer the complaint to the Office of the City Auditor for possible investigation."

though it should have because the
alleged ~~State + federal crimes~~
are blatant + serious, and the
documented evidence was in
front of them. (See Exhibit 18 - Kahle's
letter)

Therefore The Ethics Review
Commission's decision to not
forward ~~to~~ my complaint to
the Office of the City Auditor
is more evidence of them trying
to wrongly protect instead of rightly
punish the guilty.

In fact after the October 9, 2019
meeting but before Kahle's
October 10, 2019 letter was
made available to me, I spoke
about those allegations "missing"
from the official records, that
apparently were not officially
considered by The Ethics
Review Commission, to the
Mayor + City Council, on record,
at the October 17, 2019
City Council meeting. (See Exhibit
17 for the link to the video
record of my public testimony).

So, after I spoke to City Council,
Kahle's October 10, 2019
was made available to me, which

has the correct list of alleged violations, meaning 2-1-2 was rightly removed and 2-1-1 + 2-1-44 were rightly included to make the new official record look like the Ethics Review Commission had officially considered alleged violations 2-1-1(CC), 2-1-44(CA), & 2-1-44(D), though they officially did not per Webster's September 9, 2019 letter and what Kahle said on record at the October 9, 2019 Ethics Review Commission meeting. (See Exhibit 16, page 2 of 2)

Therefore, Kahle apparently tried rewriting the official record ex post facto by tampering with a governmental record, explicated further in the State Crimes section of this Request to Investigate.

Though Chair Kahle is legally responsible for what she publicly says + writes on record as chair of the Ethics Review Commission, at the monthly meetings I have attended (October 2019, November 2019 + December 2019), I have observed + been told by staff, that Kahle reads from a script prepared for

her, apparently by Lynn Carter, Executive Liaison for the Ethics Review Commission and/or Sue Palmer, Staff liaison for the Ethics Review Commission, who explicitly direct Kahle at the meetings, as if Kahle is a puppet controlled by Carter and/or Palmer doing the bidding of whoever directs them (i.e., Law Department).

This apparently overt, explicit control of a city commission/board chair by the liaisons is ass-backwards, wrong, and a red flag atlier.

In fact, I do not recall seeing that happening on any other of the many commissions/boards I have testified to in person.

The fact that it's the chair of the Ethics Review Commission being controlled, allegedly, is even more disturbing because that's an ethics violation (abuse of power) by Kahle's controllers that also can + should be investigated by the Office of the City Auditor.

It's noteworthy that Kahle appears to →

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be controlled by scripts that appear to emanate from the City's Law Department because the City's Law Department appeared to provide, Austen a script that she amended, then read out loud to me July 10, 2019, immediately prior to my Citizen Communication Citizen 1 at that meeting); to use to illegally punish my constitutionally protected free speech by illegally having me removed from that July 10, 2019 open meeting for the Commission for Women.

Rebecca Kennedy, Assistant Director-Human Resources Department and the Executive Liaison for the Commission for Women sent a July 1, 2019 11:45 AM email, apparently received by Austen Riba, Maycen Dope & Bope, saying she (Kennedy) had been communicating with the City Clerk's office & the City Attorney's office "on this topic" including the "Is there anything that can be done to address inappropriate comments made during Citizen Communication?" question, saying "The Law Department drafted a script to address decorum and consequences" →

of bad behavior," then including that script draft immediately after.
(See Exhibit 18 for the email)

Within that script, the use of disparaging, or abusive language is considered a disruptive decorum violation behavior justifying cutting a Citizen Communication speaker's time short and/or removing that speaker for the remainder of the meeting.

In fact, the script also says a Citizen Communication speaker "may not use personally derogatory or disparaging remarks."

However, abusive, disparaging, and/or derogatory speech, is all constitutionally protected during Citizen Communication by state + federal law, which the City of Austin Law Department knew before writing that script.

Though City Code 2-1-48(A) says, in part, that "Each person... should not... use disparaging or abusive language... during a board meeting," City Code 2-1-1(C) explicitly + rightly says that federal

+ state law supersede anything in Chapter 2-1 of the City Code, meaning 2-1-48(A) needs to be rewritten to follow state + federal law, which I've already told City Council + the Mayor on record, most recently on October 17, 2019 (See Exhibit 17).

Therefore, such "hate" speech cannot be silenced or used to remove from the open meeting who's speaking it during his officially recognized Citizen Communication, which Austen previously acknowledged in her June 19, 2019 7:05 AM email to Nguyen, Kennedy + Dore cc'd to Bope + District 10, when she rightly said "I understand we cannot prohibit hate speech or prevent citizens from attending meetings, per First Amendment rights." (See Exhibit 19)

However, Austen's July 1, 2019, 5:47 PM email response to Kennedy's July 1, 2019, 11:45 AM email, cc'd to Bope, Dore, Nguyen, + Rios says, "It's helpful to know the boundaries as we deal with this situation. The script is helpful as well. Is it ok to state this before Mr. Leon →

speaks the next time he attends a meeting given his past behavior with the Commission? I would adopt it as he typically does not speak out of turn or act disruptive during the meeting, he uses his three minutes and then leaves. Making the statement would allow us to set a tone for his language before he begins speaking." (See Exhibit 18)

Therefore, Austen appears to have used Kennedy's email to wrongly shift First Amendment boundaries into seriously illegal territory to rationalize her (Austen's) premeditated crimes because that applicable state & federal law had not changed between June 19, 2019 & July 1, 2019, Austen's mind did.

In fact, Austen's June 29, 2019 9:14 AM email that Nguyen, Oope, Kennedy, & Dore apparently saw based on Austen's June 29, 2019 3:38 PM email to /cc'd to them said "The issue is more with what he says, not his tone of voice. We should not be subjected to his hate speech and verbal battery, it creates an environment of harassment →"

which would be disallowed in virtually any other public or professional setting." (See Exhibit 20)

Therefore, Austen wrote that June 20, 2019 email one day after her June 19, 2019 email explicitly stating she understood she could not prohibit my "hate" speech or prevent me from attending their open meeting because of Constitutional law and 11 days before her July 1, 2019 email stating she had no problem using an unconstitutional script to do the exact opposite because that's what she wanted to do, letting her feelings drive her decisionmaking, & behavior to override clear, rock solid legal principles.

Therefore, Austen's anti-leadership must have legal consequences because she clearly & intentionally violated her oath of office in which she swore or affirmed to preserve, protect, and defend the Constitution and laws of the United States and of this State, so help her God. (See Exhibit 14.)

Because my original complaint primarily laid out the City Code violations, the next two

Federal Crimes

Like a city council meeting, the Commission for Women meeting is a "limited public forum" for purpose of free speech & equal protection under First & Fourteenth Amendments, particularly when citizen comments are restricted to a specific part of the meeting (Jocham v. Tuscola County).

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Under both the First Amendment and the Equal Protection clause of the Fourteenth Amendment, government may not grant the use of a forum to people whose views it finds unacceptable, but deny use to those wishing to express less favored or more controversial views; selective exclusions from a public forum may not be based on content alone and may not be ~~based~~ justified by reference to content alone (Nationalist Movement v. City of Boston).

In fact, the Equal Protection clause forbids the application of rules governing public forums in such a way as to abridge the right to speak at on the basis of the content of speech (Jocham v. →

Tuscola County).

Therefore, because the First Amendment guarantees the public a qualified right of access to governmental proceedings (California First Amendment Coalition v. Woodford) when rights of access associated with a public forum are improperly limited, it may be concluded that a fundamental right is impinged (Monterey County Democratic Central Committee v. U.S. Postal Service).

- (1) Though a city, as governmental entity, can be treated differently for equal protection purposes than a private commercial entity (Allright Colorado, Inc. v. City and County of Denver), a city may not avoid strictures of equal protection clause by deferring to wishes or objections of some fraction of body politic (City of Cleburne, Tex. v. Cleburne Living Center).

In fact, "state action" which must conform to the prescriptions of the Fourteenth Amendment includes actions not only by states but also by their political subdivisions such as cities and towns (Dorkin v. Londonberry).

Basketball Club).

Generally, the Equal Protection clause requires that the government treat all similarly situated people alike (*Barstead v. Murray County, Cobb v. Pott*).

Therefore, equal protection prohibits the government from treating similarly situated persons differently (*Sand Aircraft Services, Inc. v. Town of East Hampton*).

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Therefore, under the Equal Protection clause, similarly situated persons are entitled to receive similar treatment at the hands of government actors (*Aoonte-Jones v. University of Puerto Rico*).

Therefore, proof that similarly situated individuals were treated differently is pre-requisite to an equal protection claim (*Beecher v. Ransavall*).

In this case, the proof is the opposite treatment between two similarly situated persons:



1) Carlos León at the June 17, 2019
Commission for women meeting

+

2) Carlos León at the July 10, 2019
Commission for women meeting

At both meetings, I spoke similarly,
about similar Commission for women
related content, using similar strong
but legal language with security
present.

At the June 17, 2019 meeting, when
the Constitutional Citizen Communication
rules only were read at loud +
applied by Austin, she did not
interrupt me or direct the security
guard (Mr. Christian) to remove me.

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However, at the July 10, 2019 meeting,
when Austin read at loud + applied
the new unconstitutional Citizen
Communication rules, my constitutionally
protected free speech was illegally
interrupted by her + illegally silenced
by her when she directed Security
guard Lewis Austin to illegally
remove me from the open
meeting.

(See Exhibit ³ ~~3~~ for the link to the audio

for the June 17, 2019 meeting and Exhibit 3 for the link to the audio for the July 10, 2019 meeting).

Therefore, the documented differential treatment of me based upon Austin's intent to inhibit or punish my exercise of my First Amendment rights to speak at & attend the July 10, 2019 Commission for Women meeting, based on what I said at the June 17, 2019 meeting during my citizen communication establishes an equal protection violation (Boddin v. Garfinkel).

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My legal argument is correct because the equal protection guarantee protects not only groups but individuals who would constitute a "class of one" (Squaw Valley Development Co. v. Goldberg).

In fact, a plaintiff may allege an equal protection class-of-one violation when discrimination or unequal treatment is not based on membership in a particular class or group (Sellars v. City of Gary).

Sellars v. City of Gary also says to establish a class-of-one equal

protection claim, the plaintiff must prove the existence of similarly situated individuals who are identical to him in all relevant aspects, which I just did.

Also, the June 17, 2019 Commission for Women meeting & the July 10, 2019 Commission for Women meeting are fair congeners, meaning I rightly compared apples to apples (*Tapalian v. Tusino*).

Therefore, because the right to free speech under the First Amendment is a fundamental right for purposes of equal protection analysis (*Raycom & Nat., Inc. v. Campbell II*), the level of similarity between the June 17, 2019 Carlos León & the July 10, 2019 Carlos León is extremely high (*McGee v. Green*), and I was selectively treated based on impermissible considerations such as intent to inhibit or punish exercise of my constitutional rights (*Clee v. Connecticut*), my "class of one" equal protection claim is viable & should prevail in a court of law.

With respect to City Code 2-1-48, if an attack on the constitutionality

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of a Statute is made directly under the First Amendment, strict scrutiny applies only if governmental regulation is overtly content-based or presents opportunity for official censorship, but when the Statute is challenged under the equal protection clause, it is subject to strict scrutiny whenever it impinges upon a fundamental right for equal protection purposes, such infringement need not violate First Amendment directly but rather its differential effect on various speakers can in and of itself violate the equal protection clause, even if the regulation is permissible under underlying substantive Constitutional provision (Special Programs, Inc. v. Counter).

Therefore, City Code 2-1-48's "abusive/disparaging" clause should be torpedoed under First Amendment + Fourteenth Amendment attack because it does not belong there because it is unconstitutional because it fails the strict scrutiny test because it is not narrowly tailored to not serve a compelling state interest (North Olmsted →

Chamber of Commerce v. City of North Olmsted; American Civil Liberties Union of Nevada v. Lomax).

In fact, Florida's "Decorum Rule" violated the First Amendment by prescribing speech and behavior, such as disparaging personal remarks, comments, or conduct toward any other person, agency, or body that could manifest approval or disapproval, during administrative review hearings (Essen v. Mellon).

To survive strict scrutiny, a decorum violation has to disrupt, disturb, or impede a meeting (White v. City of Norwalk; Felton v. Griffin), which abusive/disparaging language does not do during Citizen Communication.

Though meeting attendees may be disturbed by what they hear during Citizen Communication, their discomfort does not empower them to illegally censor, silence, or remove the speaker by illegally conspiring against him.

The United States Code Annotated
Title 18, Chapter 13, Section 241
says that if two or more persons
conspire to oppress any person
in any state in the free
exercise or enjoyment of any
right or privilege secured to
him by the Constitution or laws
of the United States or because
of his having so exercised the
same, they shall be fined under
this title or imprisoned not
more than ten years or both.

(3)
or
(8)

First Amendment rights to free speech
and access to open meetings
and The Fourteenth Amendment
right of equal protection to not
have those First Amendment
rights abridged, limited or denied,
qualify for this section.

Proof that defendant actually knew
the Constitutional right she was
violating or was conspiring
against is not essential to
conviction of violation of this
section (U.S. v. O'Dell).

Also, a mistake of law will
not generally excuse commission

of offense; Thus defendant's error as to her authority to engage in a particular activity if based upon mistaken view of legal requirements or ignorance thereof is a mistake of law, and fact that she relied upon erroneous advice of another is not typically an exculpatory circumstance; She will still be deemed to have acted with a culpable state of mind (U.S. v. Barker).

Therefore, Austen's June 19, 2019 email to Nguyen, Kennedy, + Dore, cc'd to Bope & District 10, showing that Austen + her co-conspirators knew my first Amendment rights prohibited them from what they later planned to do + actually did to me July 10, 2019 is a smoking gun the emails about the unconstitutional citizen communication script from the Law Department do not exonerate (See Exhibits 18, 19 + 20).

In fact, with respect to this section, it need not be established that there existed a formal agreement to conspire. Circumstantial evidence and reasonable inferences drawn →

therefrom concerning the relationship of the parties their overt acts, and totality of their conduct may serve as proof (U.S. v. Redwine).

And a sweep of this section is not confined to rights expressly defined in the Constitution but includes those rights judicially determined to be fundamental and embraced by implication within the Equal Protection clause (U.S. v. Anderson).

Also mere acquiescence or silence does not make someone a participant in a conspiracy unless he or she fails to act with knowledge of purpose of conspiracy and with view of protecting & aiding it (Luterman v. U.S.)

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Therefore, all the Commission for Women Staff & Commissioners in attendance July 10, 2019 who knew the purposes of the unconstitutional citizen communication script (abusive/disparaging language) that Austen read at loud, on



record to censor, silence & remove me, but said & did nothing while the overt acts were happening in front of them, make them participants in the conspiracy.

In fact, there's evidence ring leader Austen briefed the other Commission for Women Commissioners beforehand on what she planned to do to me in front of them at the July 16, 2019 meeting.

In her (Austen's) June 29, 2019 3:38 pm email to Nguyen, cc'd to Pope, Kennedy, & Dore, subject: "Re: Carlos Leon" (Exhibit 20), Austen said, "Vicky, Rebecca, Bryan, Circling back - I'd like guidance on this for myself and the other commissioners before our next meeting. Thanks everyone."

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Therefore, because this federal statute applies to alleged Fourteenth Amendment violations by city transit officers (U.S. v. McDermott) it should similarly apply to other city employees, as well as city commission members.

Therefore, to establish guilt beyond a reasonable doubt on a civil rights

Conspiracy count, five elements must be established:

- 1) two or more persons entered into conspiracy ✓
- 2) the conspirators agreed to object of conspiracy (Carlos León) ✓
- 3) conspirators acted under color of law in course of conspiracy ✓
- 4) the defendant(s) knowingly became members of the conspiracy ✓
- 5) the defendant(s) acted willfully ✓
(U.S. v. Occhipinti)

And to convict for conspiracy to violate civil rights, it must be proven that defendant knowingly joined a conspiracy to injure, oppress, threaten, or intimidate victim, with intent to deprive him of one of his civil rights and that an overt act was committed in furtherance of the conspiracy.

(U.S. v. Kimble)

And state crimes were committed, too.

State Crimes

Per Texas Government Code 551.002, every regular, special, or called meeting of a governmental body shall be open to the public, except as provided by this chapter though none of those exceptions apply in this case.

Therefore, meetings of The Commission for Women are meetings of a governmental body and meetings of the Ethics Review Commission are meetings of a governmental body.

Per Texas Government Code 551.005
~~(a)~~
~~b1~~
~~2~~
~~3~~
~~4~~
~~5~~) each appointed public official who is a member of a governmental body subject to this chapter shall complete a course of training regarding the responsibilities of the governmental body & its members under this chapter, including instruction in

- the general background of the legal requirements for open meetings
- the availability of this chapter

to governmental bodies

- procedures & requirements regarding recordkeeping under this chapter
- procedures & requirements for holding an open meeting

Per Texas Government Code 551.005(g),
a certificate of course completion
is admissible as evidence in a
criminal prosecution under this
chapter.

Therefore, all Commission for Women
members (Commissioners) who attended
the July 10, 2019 meeting of the
Commission for Women should have
known that what Austin said & did
during my Citizen Communication
that day violated the Texas Open
Meetings Act (Texas Government
Code Chapter 551), especially
when they allowed her to direct
security to illegally remove me
from the meeting.

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Though you'll have to get the actual
certificates of course completion
which have not been released to
me, Exhibits 21-28 are copies
of ~~the~~ the ACKNOWLEDGMENT OF

BOARD ELIGIBILITY REQUIREMENTS
document signed & dated by each
attending Commission for Women
member (commissioner), stating
she agreed to complete the
training required by City Code
Section 2F1-23 within the
prescribed time period.

In addition, you should have no problem
obtaining similar signed & dated
documentation stating that all the
staff/liaisons working with the
Commission for Women (e.g., Nguyen,
Kennedy, Dore) completed the
training required by City Code
Section 2-1-23.

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- Also, all members of the Office of the
City Clerk and all members of the
City Law Department who work
with City Boards/Commissions
on a regular basis have to know
the Texas Open Meetings Act
and also should know the Texas
Citizens Participation Act safeguarding
Citizens' freedom of speech
and otherwise participate in
government to the maximum
extent permitted by law.

Per Texas Penal Code 39.03(a)(2), (b), a public servant acting under color of her office or employment commits an offense of official oppression if she intentionally denies or impedes another in the exercise, or enjoyment of any right, knowing her conduct is unlawful.

Per Texas Penal Code 1.07(a)(41)(A), a "public servant" means a person appointed or employed as an officer, employee, or agent of government.

Per Texas Penal Code 6.03(a), a person acts intentionally, or with intent, with respect to the nature of her conduct when it is her conscious objective or desire to engage in the conduct or cause the result.

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is) Per Texas Penal Code 6.03(b), a person acts knowingly or with knowledge with respect to the nature of her conduct or to circumstances surrounding her conduct when she is aware of the nature of her conduct or that the circumstances exist; A person acts knowingly or with knowledge with respect to a result of her conduct when she is aware that her conduct is

reasonably certain to cause the result.

Per Texas Penal Code 1.07(a)(48),
"unlawful" means criminal.

Therefore, Rebecca "Becky" Austin,
Chair/presiding officer of the
Commission for Women, is allegedly
guilty of multiple counts of official
oppression, violating Texas Penal
Code 39.03 by intentionally impeding,
then denying me the exercise of my
Constitutional right to free speech
during my Citizens Communication
at their July 10, 2019 meeting,
for intentionally denying me my
Constitutional right to access that
entire open meeting, for intentionally
denying me my Constitutional right
to equal protection under the law,
and for intentionally denying me my
Constitutional rights to speak freely,
associate freely, & otherwise
participate in government to the
maximum extent permitted by law,
at that July 10, 2019 meeting
Safeguarded by The Texas Citizens
Participation Act per Texas Civil
Practice & Remedies Code 27.002.

Per Texas Penal Code 37.10(a)(1,2,5),
a person commits an offense of →

Tampering with a governmental record
if she knowingly makes a false entry
in, or false alteration of, a
governmental record

OR

makes, presents, or uses any record,
document, or thing with knowledge
of its falsity and with intent
that it be taken as a genuine
governmental record

OR

makes, presents, or uses a
governmental record with
knowledge of its falsity.

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per Texas Penal Code 37.01(2)(g), a
governmental record is anything
belonging to, received by, or kept
by government for information.

per Texas Government Code 552.002(g)
"public information" means information
that is collected, assembled, or
maintained under a law or ordinance
or in connection with the
transaction of official business.

per Texas Government Code 552.002(g-1)

information is in connection with the transaction of official business if the information is created by, transmitted to, received by, or maintained by an officer or employee of the governmental body in the officer's or employee's official capacity, or a person or entity performing official business or a governmental function on behalf of a governmental body, and pertains to official business of the governmental body.

Per Texas Government Code 552.002(a-2), the definition of "public information" provided by Subsection (a) applies to and includes any electronic communication created, transmitted, received, or maintained on any device if the communication is in connection with the transaction of official business.

Per Texas Government Code 552.002(b), the media on which public information is recorded include paper, film, tape, and a magnetic, optical, solid state, or other device that can store an electronic signal.

Per Texas Government Code 552.002(c), the general forms in which media containing public information exist →

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include a book, paper letter, document, email, Internet posting, text message, other electronic communication, printout, sound recording, and a voice, data, or video representation held in computer memory.

Therefore, when Caroline Webster, Assistant City Attorney, wrote in her official Sept 9, 2019 letter, which is a governmental record, that I alleged a violation of City Code 2-1-2 when my official written complaint did not make that allegation and she did not include in her letter alleged violations of 2-1-1 + 2-1-44, though they were explicitly stated in my official written complaint, Webster made a governmental record with knowledge of its falsity because her letter is an official response to my official written complaint which she almost certainly read + had in front of her to write her response.

Therefore, Webster allegedly tampered with a governmental record.

If Webster tampered with that governmental record with intent to defraud me and/or the Ethics →

Page
88

Review Commission and/or the City Auditor and/or the public at large by concealing from the official record references to allegedly violated City Codes pointing to state & federal crimes Webster allegedly committed that should have prompted the Ethics Review Commission to forward the complaint to the City Auditor, then Webster committed a State jail felony per Texas Penal Code 37.10(c)(1).

Therefore, though it is a defense to prosecution under subsection (g)(1), (g)(2), or (g)(5) that the false entry or false information could have no effect on the government's purpose for requiring the governmental record, per Texas Penal Code 37.10(f), that defense would not hold if Webster tampered with that governmental record ~~to~~ with intent to defraud, which appears to be what happened because the omissions & changes do not appear to be accidental.

Therefore, when Ethics Review Commission chair Kahle read Webster's incorrect list of alleged violations of City Codes into the official audio record of the October 9, 2019 Ethics Review Commission meeting, Kahle allegedly

Used a governmental record (Webster's letter) with knowledge of its falsity because Kahle almost certainly had a copy of my official written complaint that had the true, complete list.

Also, when Kahle read Webster's incorrect list of alleged City code violations into the official record, Kahle allegedly made a governmental record (the official audio recording) with knowledge of its falsity another count of tampering with a governmental record.

Therefore, if Kahle twice tampered with a governmental record with intent to defraud me and/or the Ethics Review Commission and/or the City Auditor and/or the general public to conceal from the official record references to allegedly violated City codes pointing to state + federal crimes Kahle allegedly committed that should have prompted the Ethics Review Commission to forward the complaint to the City Auditor then Kahle two State jail felonies.

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Therefore, though it is a defense to prosecution under subsection (a)(1), (a)(2), or (a)(5) that the false entry or false information could have no effect on the government's purpose for requiring the governmental record, per Texas Penal Code 37.10(f), that defense would not hold if Kahle tampered with those governmental records with intent to defraud.

Then, in Kahle's October 18, 2019 letter, a written governmental record, Kahle wrote the correct list of alleged violations meaning 2-1-2 was rightly removed and 2-1-1 + 2-1-44 were rightly included, making the official record look like the Ethics Review Commission had officially considered alleged violations 2-1-1(C), 2-1-44(A), & 2-1-44(D). Though they officially did not per Webster's September 9, 2019 Letter & Kahle's oral input on the official audio record of the October 9, 2019 meeting.

In fact, the approved minutes for their October 9, 2019 meeting (Exhibit 29) also officially record Webster's incorrect list of alleged violations as the list of alleged

violations that the Ethics Review Commission went into Executive Session to discuss legal issues related to (Item 1) and that the Ethics Review Commission decided were not under their jurisdiction by unanimously concurring with chair Kahle's initial determination that they weren't (Item 3) though I question whether that initial determination was actually Kahle's (unlikely) or Carter's/Palmer's/Law Department's (likely).

(1) Therefore because Kahle apparently tried rewriting the official audio & written records of the Ethics Review Commission's October 9, 2019 meeting ex post facto in her October 10, 2019 letter, without making any subsequent audio announcements about it at the November or December 2019 meetings or making any motion to officially change the approved October 2019 minutes, Kahle allegedly made a government record (her letter) with knowledge of its falsity.

Therefore, Kahle again tampered with a governmental record, this time in →

writing.

Therefore, if Kahle tampered with a governmental record with intent to defraud me and/or the Ethics Review Commission and/or the City Auditor and/or the general public to conceal from the official record references to allegedly violated city codes pointing to state & federal crimes Absten allegedly committed that shall have prompted the Ethics Review Commission to forward the complaint to the City Auditor, then Kahle committed another state jail felony.

Therefore, though it is a defense to prosecution under subsection (a)(1), (a)(2), or (a)(5) that the false entry of false information could have no effect on the government's purpose for requiring the governmental record, per Texas Penal Code 37.10 (f), that defense would not hold if Kahle tampered with those governmental records with intent to defraud.

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In addition, on page 2 (of 2), text block 2 of Kahle's letter, Kahle omitted Mr. Lewis Austin, Contract Security guard at One Texas Center, as an identified person of the complaint, though I explicitly listed him as an identified person of the complaint evidenced by page 19 (of 79) of my complaint, the "Identified Persons" section of the filed Ethics Review Commission Complaint form accompanying my complaint (Exhibit 30). Webster rightly listing him as an identified person in her Sept. 9, 2019 letter (page 2 of 5 text block 2), and both Webster's & Kahle's letters being explicitly mailed to him via First Class Mail (see page 1 of Webster's letter and page 1 of Kahle's letter).

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Ex) Therefore, Kahle's omission of Lewis Austin as an identified person is yet another count of tampering with a governmental record, because Kahle's letter is a governmental record and she knew that leaving out his name as an identified person was false.

Therefore, if Kahle tampered with a governmental record with intent to defraud me and/or the Ethics Review Commission and/or the City Auditor and/or the general public to

Conceal, from the official record that Mr. Lewis Austin is an identified person to try disappearing from the official record. That Mr. Lewis Austin was the security guard present at the July 10, 2019

Commission for Women meeting who not only heard what I said during my Citizen Communication, but was the security guard who committed the crime of assault by contact

against me before illegally removing me from that open meeting, at Austin's direction. Then Kahle committed yet another state jail felony.

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Therefore though it is a defense to prosecution under subsection (a)(1), (a)(2) or (a)(5) that the false entry, or false information could have no effect on the government's purpose for requiring the governmental record, per Texas Penal Code 37.10(f), that defense would not hold if Kahle tampered with that governmental record with intent to defraud.

Nonetheless, Rebecca "Becky" Austin was allegedly tampering with governmental records before Webster + Kahle.

When Austen read at least the unconstitutional Citizen Communication rules that she knew were false (based on her June 19, 2019, email) into the official audio record for the July 10, 2019 Commission for Women meeting, Austen allegedly made a governmental record with knowledge of its falsity, meaning she tampered with a governmental record.

And because Austen tampered with that governmental record with intent to defraud & harm me by using deception to try making me believe that she could illegally censor silence & punish my constitutionally protected speech during my Citizen Communication, Austen committed a state jail felony.

When Austen used that governmental record with knowledge of its falsity to illegally chill my free speech during my Citizen Communication she committed a second caput of tampering with a governmental record. Because she did it with intent to harm & defraud me, she's guilty of a second state jail felony.

When Austen used that governmental record with knowledge of its falsity to direct security guard Lewis Austin

to illegally remove me from that July 10, 2019 meeting she committed a third count of tampering with a governmental record. Because she did it with a intent to harm + defraud me, she's guilty of a third state jail felony.

With respect to Austen's intent:

In her June 19, 2019 (7:05 AM) email to Nguyen, Kennedy, & Dore, cc'd to District 10 + Bope, she said, "Carlos León's communications to the Commission for Women are, hateful, derogatory, racist, sexist," and that "we" (the Commission for Women) "do not wish to be repeatedly subjected to a toxic environment when we convene" though everything I've said to them is constitutionally protected whether they like it or not. (See Exhibit 19 for the email)

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Also, in that email, Austen says she wants to "understand what options Commissioners have in this situation" because she first says she "understands" we cannot prohibit hate speech or prevent citizens from attending meetings per First Amendment rights."

In fact, in her June 20, 2019 (9:14 AM) email to Nguyen, cc'd to Bope, Kennedy, & Dore, Austen, said:

"The issue is more with what he says, not his tone of voice. We should not be subjected to his hate speech and verbal battery, it creates an environment of harassment which would be disallowed in virtually any other public or professional setting."

(See Exhibit 20 for that email)

In her July 1, 2019 (5:49 PM) email to Kennedy, cc'd to Bope, Dore, Nguyen, & Rios, Austen acknowledges receiving the script from the Law Department,

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"The script below is helpful as well. Is it ok to state this before Mr. Leon speaks the next time he attends a meeting, given his past behavior with the Commission? I would adapt it as he typically does not speak at off turn or act disruptive during the meeting, he uses his three minutes and then leaves. Making the statement would allow us to set a tone for his language before he begins speaking."

(See Exhibit 18 for that email)

An interconnected, less obvious example of tampering with a governmental record can be seen in the approved official minutes of the October 9, 2019 meeting of the Ethics Review Commission. Items 1 and 3 both ~~say~~
falsely say that my complaint was against "Rebecca Austin," though my complaint was actually against "Rebecca Austen." (See Exhibit 29.)

The spelling "mistake" in her last name matters because it hides who the complaint is actually against. Therefore, not only can Rebecca Austen use that "error" to falsely claim my complaint was not against her but anyone electronically searching the official Ethics Review Commission minutes for a complaint against "Rebecca Austin" won't find it.

Though this name game "error" may seem contrived, Rebecca sometimes refers to herself as "Becky" (See Exhibits 18-20) and the mailing address for her on Webster's letter & Hahle's letter lists her as "Rebecca Austin" with only one "c". (See page 1 of Exhibits 6 + 16.)

That's too many first & last name derivations to be accidental.

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Therefore, Executive liaison Lynn Carter and/or staff liaison Sue Palmer appear to have tampered with a governmental record by making two false alterations in ~~the~~ the approved official minutes of the October 9, 2019 meeting of the Ethics Review Commission because they almost certainly had copies of my official complaint that clearly & correctly identified the respondent as "Rebecca "Becky" Austen".

Therefore, if Carter and/or Palmer tampered with that governmental record with intent to defraud me and/or the Ethics Review Commission and/or the City Auditor and/or the public at large by concealing from the public, official record of the October 9, 2019 meeting, ~~all~~ all references to "Rebecca Austen" to hide the fact my complaint was against her, then they committed a state jail felony, per Texas Penal Code 37.10(c)(1).

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Therefore, though it is a defense to prosecution under subsection (a)(1), (a)(2) or (a)(5) that the false entry or false information could have no effect on the government's purpose for requiring the governmental record per Texas Penal Code 37.10(f), that defense would not hold if ~~the~~ →

Carter and/or Palmer tampered with that governmental record with intent to defraud.

More broadly, the intent to defraud is also part of another applicable state crime - abuse of official capacity.

Texas Penal Code 39.02(a)(1,2) says a public servant commits an abuse of official capacity offense if with intent to harm or defraud another, she intentionally or knowingly violates a law relating to the public servant's office or employment or misuses government property, services, personnel, or any other thing of value belonging to the government that has come into the public servant's custody or possession by virtue of the public servant's office.

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Per Texas Penal Code 1.07(a)(41)(A), a "public servant" means a person elected, selected, appointed, employed, or otherwise designated as one of the following: an officer, employee, or agent of government.

"Harm" means anything reasonably regarded as injury, per Texas Penal Code § 1.07 (a)(25); "injury" means the violation of another's legal right for which the law provides a remedy, per Black's Law Dictionary (11th edition).

Per Black's Law Dictionary (11th edition), "defraud" means to cause injury by deceit, with "deceit" meaning the act of intentionally leading someone to believe something that is not true.

Per Texas Penal Code 6.03(a), a person acts intentionally or with intent with respect to the nature of her conduct or to a result of her conduct when it is her conscious objective or desire to engage in the conduct or cause the result.

Per Texas Penal Code 6.03(b), a person acts knowingly or with knowledge with respect to the nature of her conduct or to circumstances surrounding her conduct when she is aware of the nature of her conduct or that the circumstances exist; A person acts knowingly or with knowledge, with respect to a result of her conduct when she is aware that her conduct is reasonably certain to cause the result.

Therefore based on those definitions, public servant Rebecca "Becky" Austin abused her official capacity as chair/presiding officer of the Commission for Women multiple times by allegedly committing multiple acts of official oppression & tampering with a governmental record with intent to harm or defraud.

Public servant Mary Nahle abused her official capacity as chair/presiding officer of the Ethics Review Commission multiple times by allegedly committing multiple acts of tampering with a governmental record with intent to harm or defraud.

Public servant Caroline Webster abused her official capacity as Assistant City Attorney multiple times by allegedly committing multiple acts of tampering with a governmental record with intent to harm or defraud.

Public Servants Lynn Carter and/or Sue Palmer appear to have abused their official capacities as liaisons to the Ethics Review Commission by allegedly committing multiple acts of tampering with a governmental record with intent to harm or defraud with respect to the official minutes of and unofficial scripts (for Nahle) for the October 9, 2019 meeting of the Ethics Review Commission.

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With intent to defraud or harm me,
Commission for Women, public Servants
Flannery Bope (vice chair), Vicky,
Nguyen (staff liaison), Rebecca
Kennedy (Executive liaison), + Bryan
Dore (staff liaison) abused their
official capacities by knowingly
conspiring with Rebecca "Becky" Austin
(chair/presiding officer) to oppress my
free exercise of my free speech right
during my Citizen Communication at
the July 10, 2019 meeting of the
Commission for Women.

Also, in addition to City code, state law,
and federal statute violations are
violations of the City's personnel
policies.

City of Austin personnel policies, section
I, part B (Employee Conduct) says
That employees who are on duty are
at all times individually responsible for
conducting themselves in a professional
and ethical manner and for treating
members of the public with respect
and dignity.

It also says the City will not tolerate
behavior that is unprofessional
including the mishandling of information
or communication that is untrue. →

Therefore, apply those criteria when investigating apparent violations of City of Austin personnel policies with respect to the ~~the~~ violating behaviors of the City of Austin employees explicitly cited in this Request to Investigate.

In addition, you should apply those criteria to those City of Austin employees not explicitly cited, but guilty of such violations. For example, those criteria need to be applied to the member or members of the City of Austin Law Department who apparently spoke with Rebecca Kennedy about the unconstitutional ~~the~~ script that the Law Department sent Kennedy for Austin, as well as the member or members of the Law Department who actually composed that unconstitutional script, with particular attention to who in the Law Department said that censoring, silencing, and punishing constitutionally protected abusive/disparaging speech during citizen communication was OK, when it is illegal.

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Also find out who in the Office of the City Clerk ~~the~~ did Kennedy speak to about that script & what was said by whom before July 10, 2019, because the

Office of the City Clerk oversees + coordinates the City's boards/commissions meaning the City Clerk's office should have known censoring, silencing, + punishing constitutionally protected speech during citizen communication is illegal especially because the City Clerk's office is responsible for training board/commission members to follow City Codes, state law, + federal statutes, per the state law requirement.

Conclusion

According to the Office of the City Auditor website, the City Auditor's office was created to assist us citizens establish accountability, transparency, and a culture of continuous improvement in city operations and service delivery by the City Auditor's office investigating reports of fraud and/or abuse, including, but not limited to, abuse of power, falsification of official documents, + retaliation.

Therefore, this documented, explicated, evidence-based request to investigate alleges violations of connected City codes, state law, + federal law and violations of City of Austin personnel policies by City officials + employees.

A City official or official includes individuals appointed by the mayor & City council to city commissions, the City attorney, deputy city attorneys, & all department heads, per City Code 2-7-2(3).

In fact, per City Code 2-3-5(4), if the City Auditor determines that a City employee or official may have violated the law, the City Auditor shall:

- (1) consult with and obtain advice from the city attorney;
- (2) promptly report the suspected violation to the appropriate authority; and
- (3) if the suspected violation is criminal, notify the appropriate chief prosecuting authority.

And if the City Auditor investigates an allegation of a violation of City Code 2-7 Article 4 (Code of Ethics) by a person appointed by City Council to a City board or similar body, the City auditor shall submit the results of a substantiated investigation to the Ethics Review Commission by filing a sworn complaint with the commission.

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However, the Office of the City Auditor should be very wary of consulting with and obtaining advice from the City Attorney because specific members of the City Law Department, as well as unspecified (so far) members of the City Law Department are targets for investigation, punishment, and/or prosecution, per the evidence-based allegations within this Request to Investigate.

Similarly, the Office of the City Auditor should be wary of submitting the results of a substantiated investigation to the Ethics Review Commission because of the Ethics Review Commission not forwarding my original complaint to the Office of the City Auditor and because Chair Kahle, as well as the liasons apparently controlling Kahle by script, are targets for investigation, punishment, and/or prosecution.

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Nevertheless, the City Auditor filing a sworn complaint with the Ethics Review Commission would legally push them to officially recognize the substantiated violations being with their review, giving them an opportunity to officially right their

wrongs, the right way to rightly
punish instead of wrongly protect
the guilty.

Also, for suspected criminal violations,
make sure to officially notify the
appropriate district, state, & federal
chief prosecuting authorities. Let
them know I'm willing to testify
in a court of law against the
guilty defendants to prosecute
them to the maximum extent
permitted by law.

Contact Info

(88) 441-9191

Because I am a whistleblower, I
am not providing any contact
information; Instead, expect me
to regularly follow up in person at
your office, where you can hand
me written information, speak to
me in person, and/or schedule a
future meeting with me for a
specific day, time, & location.

In solidarity,
Carole Leon

Exhibits

- 1 - Official agenda for the July 10, 2019 Commission for Women meeting
- 2 - Official approved minutes for the July 10, 2019 Commission for Women meeting
- 3 - Online link to the official audio record of the July 10, 2019 Commission for Women meeting
- 4 - July 10, 2019 draft document from the City Clerk's office stating the Standing Constitutional Citizen Communication rules that belong and the additional unconstitutional Citizen Communication rules that don't belong
- 5 - 79-page evidence-based Complaint against Rebecca "Becky" Austen I filed August 23, 2019 with the Office of the City Clerk for the Ethics Review Commission following the complaint submission rules

(69 of 88)
- 6 - September 9, 2019 letter from Caroline Webster Assistant City Attorney Open Government Ethics & Compliance Division

- 7- Tanya Athar-Josee's Oath of Office + Statement of Appointed Officer
- 8- Rossana A. Barrios's Oath of Office + Statement of Appointed Officer
- 9- Flannery Gope's Oath of Office + Statement of Appointed Officer
- 10- Neva Fernandez's Oath of Office + Statement of Appointed Officer
- 11- Amanda Michelle Lewis's Oath of Office + Statement of Appointed Officer
- 12- Dyana Limon-Mercedes' Oath of Office + Statement of Appointed Officer
- 13- Sarah Tober's Oath of Office + Statement of Appointed Officer
- 14- Rebecca Austen's Oath of Office + Statement of Appointed Officer
- 15- Online link to the official audio record of the October 9, 2019 Ethics Review Commission meeting

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- 16- October 18, 2019 letter from Mary Kahle, chair/presiding officer, Ethics Review Commission
- 17- Online link to the official video record of my Citizen Communication at the October 17, 2019 City Council meeting, re: Caroline Webster & Mary Kahle allegedly tampering with governmental records
- 18- Rebecca Kennedy's July 1, 2019, 11:45 AM email and Rebecca "Becky" Austen's July 1, 2019, 5:47 PM email response
- 19- Rebecca "Becky" Austen's June 19, 2019, 7:05 AM email
- 20- Rebecca "Becky" Austen's June 20, 2019, 9:14 AM email response to Vicky Nguyen's June 20, 2019, 8:22 AM email response to Flannery Bope's June 19, 2019, 4:14 PM email - Subject: Carlos Leon
- 21- Tanya Athar-Joge's ~~acknowledgment~~ Acknowledgment of Board Eligibility Requirements

- (68 of 88)
- 22 - Rosanna A. Barrios's Acknowledgment of Board Eligibility Requirements
 - 23 - Flanery Bope's, Acknowledgment of Board Eligibility Requirements
 - 24 - Neva Fernandez's Acknowledgment of Board Eligibility Requirements
 - 25 - Amanda Michelle Lewis's Acknowledgment of Board Eligibility Requirements
 - 26 - Dyana Limon-Mercedes' Acknowledgment of Board Eligibility Requirements
 - 27 - Sarah Tuber's Acknowledgment of Board Eligibility Requirements
 - 28 - Rebecca Austin's Acknowledgment of Board Eligibility Requirements
 - 29 - Official approved minutes for The October 9, 2019 Ethics Review Commission meeting
 - 30 - Identified persons section of the Ethics Review Commission complaint form that I filed, explicitly naming Lewis Austin as an identified person

Exhibit 1



CITY OF AUSTIN COMMISSION FOR WOMEN REGULAR MEETING

Wednesday, July 10, 2019, 12:00 p.m.
One Texas Center, 11th Floor, The Cavern
505 Barton Springs Road
Austin, Texas 78704

AGENDA

CALL TO ORDER

1. CITIZEN COMMUNICATION

2. APPROVAL OF MINUTES

- a. Consider approval of the minutes from the Austin Commission for Women special called meeting on June 17, 2019.

3. OLD BUSINESS

- a. Discussion and possible action regarding the following working groups:
 - 1. Economic equity
 - 2. Sexual assault, violence prevention, and survivor experience
 - 3. Access to quality and affordable healthcare
 - 4. Women's Hall of Fame
- b. Discussion regarding the recommendation for the City of Austin FY2020 budget.
- c. Discussion regarding changes to the Commission's bylaws and mission statement.
- d. Discussion and possible action regarding alternatives to a boycott by the City of Austin against the State of Alabama regarding the state's further restriction of access to abortion.
- e. Discussion and possible action regarding human trafficking.

4. NEW BUSINESS

- a. Discussion and possible action regarding updates from the Joint Inclusion Committee.
- b. Discussion and possible action regarding advertisements on the Capital Metro buses.

5. FUTURE AGENDA ITEMS

ADJOURNMENT

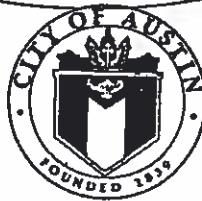
The City of Austin is committed to compliance with the American with Disabilities Act. Reasonable modifications and equal access to communications will be provided upon request. Meeting locations are planned with wheelchair access. If requiring Sign Language Interpreters or alternative formats, please give notice at least 2 days (48 hours)

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**COMMISSION FOR WOMEN
MEETING MINUTES**

WEDNESDAY, July 10, 2019

Exhibit 2



**COMMISSION FOR WOMEN
MINUTES**

**REGULAR MEETING
WEDNESDAY, July 10, 2019**

The Commission for Women convened for a regular meeting on Wednesday, July 10, 2019 at One Texas Center, 505 Barton Springs Road, in Austin, Texas.

Chair Austen called the Commission Meeting to order at 12:05 p.m.

Commissioners in Attendance:

- Rebecca Austen, Chair
- Flannery Bope, Vice Chair
- Tanya Athar-Jogee
- Rossana Barrios
- Neva Fernandez
- Amanda Lewis
- Dyana Limon-Mercado
- Sarah Tober

Commissioners Absent:

- Nancy Cardenas
- Julia Cuba Lewis
- Juliana Gonzales

Staff in Attendance:

- Vicky Nguyen, Human Resources Department
- Rebecca Kennedy, Human Resources Department
- Bryan Dore, Human Resources Department

1. CITIZEN COMMUNICATION

Speaker: Carlos Leon.

2. APPROVAL OF MINUTES

The minutes from the special called meeting of June 17, 2019 were approved on Vice Chair Bope's motion, Commissioner Athar-Jogee's second on a 7-0 vote. Commissioner Limon-Mercado was off the dais. Commissioners Cardenas, Cuba Lewis, and Gonzales were absent.

3. OLD BUSINESS

- a. Discussion and possible action regarding the following working groups:

Explore your city...

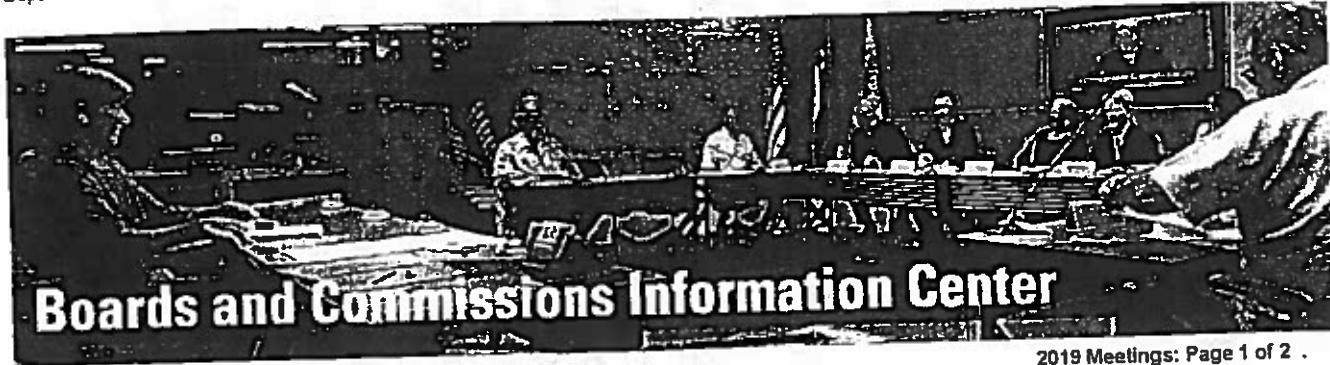
SEARCH

[Advanced Search](#)

austintexas.gov
the official website of the City of Austin

Exhibit 3

Department » City Clerk



Boards and Commissions Information Center

2019 Meetings: Page 1 of 2 .
Go to page: 1 2 .

2019 Meetings: Commission for Women

Meeting documents are also available for:

[2018](#) | [2017](#) | [2016](#) | [2015](#) | [2014](#) | [2013](#) | [2012](#) | [2011](#) | [2010](#) | [2009](#)

August 14, 2019

Regular Meeting of the Commission for Women - Location: One Texas Center - 505 Barton Springs Road, Room 1300

[Agenda \(73KB\)](#)

July 10, 2019

Regular Meeting of the Commission for Women - Location: One Texas Center - 505 Barton Springs Road, The Cavern

[Agenda \(71KB\)](#)

[Play audio - Meeting Audio](#)

[Recommendation - 20190710-03a\(3\): Menstrual Equity \(76KB\)](#)

[Recommendation - 20190710-03a02: Budget for Victim Services \(192KB\)](#)

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June 17, 2019

Special Called Meeting of the Commission for Women - Location: One Texas Center - 505 Barton Springs Road, Room 805

[Agenda \(108KB\)](#)

[Approved Minutes \(149KB\)](#)

[Play audio - Meeting Audio](#)

[Backup - Item 4a: Presentation on Combating Human Trafficking in Central Texas \(2.7MB\)](#)

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Exhibit 4

July 10, 2019

I remind everyone that Citizen Communications are limited to three minutes per speaker, and Commissioners and other attendees shall not interrupt the speakers during that time.

Speakers You are directed not to use disparaging or abusive language; you may criticize a public official or public figure, but you may not use personally derogatory or disparaging remarks. If a speaker continues to violate decorum, their time may will be cut short, or they you may be removed from the Commission XXX.

This is a FIRST AMENDMENT ~~Violation~~ because
Citizen Communication NOT debate,

— C. J. Closserón

Paragraph 1 (I remind everyone...) are the standing Constitutional rules.

Paragraph 2 (Speakers are directed...) are the additional new special unconstitutional rule

Constitutive (70 of 188)

Exhibit 5

because I am a whistleblower I am not providing this information. Expect me to follow up in person at the [redacted]

IN THE OFFICE OF CITY CLERK
23 DAY OF AUG 2019
AT 12:25PM

ETHICS REVIEW COMMISSION
CHAPTER 2-7 CITY CODE
COMPLAINT

Law Department on
the 4th floor of
City Hall

[Signature]
CITY CLERK

NAME OR PERSON(S) FILING COMPLAINT:

Carlos León

to receive
all written
correspondence
from
the
ERC.

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MAILING ADDRESS:



PHONE NUMBER:



EMAIL ADDRESS:



PLEASE FILE A SEPARATE COMPLAINT FORM FOR EACH PERSON
COMPLAINED AGAINST.

NAME OF PERSON COMPLAINED AGAINST: Rebecca "Becky" Austin

CITY OFFICE, DEPARTMENT, COMMISSION: Commission for Women

MAILING ADDRESS: Ask the City Clerk

PHONE NUMBER [IF KNOWN]: (512) 347-1138, per City Clerk

EMAIL ADDRESS [IF KNOWN]: BC-Rebecca.Austin@austintexas.gov
(per City Clerk)

The Ethics Review Commission has jurisdiction to hear complaints alleging violation(s) of
the following provisions:

- City Code, Chapter 2-1, Section 2-1-24 (City Boards, Conflict of Interest and Recusal)
- City Code, Chapter 2-2 (Campaign Finance)
- City Code, Chapter 2-7 (Ethics and Financial Disclosure), except for Article 6 (Anti-lobbying and Procurement)
- City Code, Chapter 4-8 (Regulation of Lobbyists)
- City Charter, Article III, Section 8 (Limits on Campaign Contributions and Expenditures)

PLEASE LIST EACH ALLEGED VIOLATION OF THE ABOVE CITY CODE AND
CHARTER PROVISIONS SEPARATELY ON THE FOLLOWING PAGES.

See attached 79 page complaint, including Rationale,

Violations

Recommendations

References/Citations

2 Exhibit Sections.

July 11, 2017

SECTION OF CHARTER OR ORDINANCE VIOLATED: _____

DATE OF ALLEGED VIOLATION: _____

ACTIONS ALLEGED TO BE A VIOLATION:

WITNESSES OR EVIDENCE THAT WOULD BE PRESENTED:

CONTACT INFORMATION OF ANY PERSON(S), OTHER THAN THE PERSON COMPLAINED AGAINST, WHO IS IDENTIFIED BY NAME ABOVE OR IN ANY ATTACHMENTS AS INVOLVED IN THE ALLEGED INAPPROPRIATE CONDUCT: (Leave blank if inapplicable.)

NAME: The Commission for Women members in attendance during City Citizen Communication
MAILING ADDRESS: _____

EMAIL ADDRESS [IF KNOWN]: Check with the City Clerk.

NAME: _____

MAILING ADDRESS: _____

EMAIL ADDRESS [IF KNOWN]: _____

NAME: Lewis Austin - Black Male Security Guard

MAILING ADDRESS: works for Allied Universal Security

EMAIL ADDRESS [IF KNOWN]: ask Allied Universal

* Note: Lewis Austin is an unreliable witness because when

I told him at the elevator that I would be reporting his assault by contact against me to his boss, he lied.

Office of the City Clerk, 2021 F¹ Revised: April 12, 2017
his assault by contact against me to his boss, he lied, saying he did not touch me to try avoiding being held

[IF MORE ROOM IS NECESSARY, PLEASE CONTINUE ON A BLANK PAGE
USING THE SAME FORMAT]

ALL THE STATEMENTS AND INFORMATION IN THIS COMPLAINT ARE TRUE
AND FACTUAL TO THE BEST OF MY KNOWLEDGE.

DATE: Aug. 23, 2019

Carlos Leon
COMPLAINANT'S SIGNATURE
Carlos Leon
PRINT NAME

STATE OF TEXAS

COUNTY OF TRAVIS

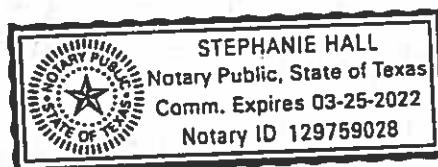
This instrument was acknowledged, sworn to and subscribed before me by

(Al)os Leon

On the 23 day of August, 2019, to certify which
witness my hand and official seal.

Stephanie Hall
Notary Public in and for the State of Texas

Stephanie Hall
Typed or Printed Name of Notary



THIS FORM MUST BE SUBMITTED TO THE OFFICE OF THE CITY CLERK.
(881) 570-1570

2-1-24 Rationale

Per City Code 2-7-26, the Ethics Review Commission (ERC) has jurisdiction to hear complaints alleging violations of City Code, Chapter 2, Section 2-1-24 (City Boards, Conflict of Interest).

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Under this section, a board member has a conflict of interest if the City Code or another law prohibits the board member from taking action on a vote or decision before the board.

In this case, the conflicts of interest are city, state, + federal laws prohibiting Commission for Women (CFW) chair/presiding officer Rebecca "Becky" Austen (See Exhibit C-1) from unofficially adopting, illegally implementing, + illegally enforcing additional new special Citizen Communication rules that are unconstitutional.

Because officially adopting additional new Special Citizen Communication rules is a decision requiring a vote by CFW members, per Robert's Rules of Order governing their meetings, Austen is required to bring that decision before the CFW members during their meeting.

Therefore, though Auster acted like the additional, new, special unconstitutional Citizen Communication rules she read into the record at the beginning of Citizen Communication at the July 10, 2019 meeting were already officially part of the standing Constitutional Citizen Communication rules she first spoke, they were not.

See Exhibit C-2, a 2-paragraph draft of a City Clerk document dated July 10, 2019 that Deputy City Clerk Myrna Rios handed to me early afternoon on July 10, 2019 that Auster appeared to read from on July 10, 2019, with Paragraph 1 being the standing Constitutional Citizen Communication rules that belong and Paragraph 2 being the additional, new, special unconstitutional Citizen Communication rules that don't belong.

Therefore, the additional, new, special unconstitutional Citizen Communication rules were unofficially before the GFW July 10, 2019 when Auster spoke them out loud because Auster did not officially introduce them with a motion and did not call for a vote to officially adopt them, alleged Robert's Rules of Order violations.

In fact, the additional, new, special unconstitutional Citizen Communication rules were before the CFW, for the first time on July 10, 2019 because Austen did not speak, implement, or enforce them at the June 17, 2019 CFW meeting when she did not illegally interrupt & cut short my Citizen Communication and did not illegally direct Security to illegally remove me, like she did on July 10, 2019, though I was speaking just as strongly, pointedly, & legally June 17, 2019.

See Exhibit C-3 for the online link to the July 10, 2019 meeting audio to hear Austen call the meeting to order, call Citizen Communication, read out loud the Standing Constitutional Citizen Communication rules, then read out loud the ~~additional~~ additional, new, special unconstitutional Citizen Communication rules (0:00 - 1:05) and for the online link to the June 17, 2019 meeting audio of Austen calling that meeting to order, calling Citizen Communication, and reading the standing Constitutional Citizen Communication rules only out loud (0:00 - 0:30), followed by my uninterrupted Citizen Communication (0:30 - 3:20).

Therefore, July 10, 2019, Austen acted as if

(b)(7)(B)

the CFW had already unofficially adopted the additional, new, special unconstitutional Citizen Communication rules before + outside the July 10, 2019 meeting, but after the June 17, 2019 meeting, violating the Texas Open Meetings Act, also evidenced by none of the attending CFW members being surprised, or raising an objection or point of order upon officially hearing the additional, new, special unconstitutional Citizen Communication rules for the first time, though they all previously claimed in writing that they:

- 1) took the oath of office;
- 2) received a copy of and agreed to comply with the City's ethics and personal responsibility guidelines; and
- 3) agreed to complete the training required by City Code Section 2-1-23 (Training) within the prescribed time period.

See Exhibit C-4 for that documentation.

The official silence response of the attending CFW members at the July 10, 2019 meeting was their tacit consent.

of their unofficial adoption of the additional new, special unconstitutional Citizen Communication rules.

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1/18) They similarly consented to Austen's illegal implementation & enforcement of those additional new, special unconstitutional Citizen Communication rules by staying silent while Austen illegally interrupted & cut short my Citizen Communication on July 10, 2019 and illegally directed Security to illegally remove me on July 10, 2019.

Therefore, none of them preserved, protected, or defended Constitutional law despite their oaths to do so. See Exhibit C-5 for that documentation.

Therefore, because City Code 2-1-24(A) does not explicitly exclude unofficial decisions before a commission, possibly because "decision" includes deliberations which may lead to a formal action by that body [2-7-2(4)], this conflict of interest complaint is against CFW chair/presiding officer Rebecca "Becky" Austen for taking adoption, implementation, & enforcement actions prohibited by city, state, & federal laws on the additional new, special unconstitutional Citizen Communication rules decision before the CFW on July 10, 2019.

2-1-24
Umbrella

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Under the 2-1-24 umbrella are 13 alleged violations of related City Board codes with respect to the July 16, 2019 CFW attack on rule of law, explicating Austin's egregious abuse of official capacity + official oppression violating Texas Penal Codes 39.02 + 39.03, due to her blatant violations of the U.S. Constitution's First Amendment free speech clause, Texas Open Meetings + Texas Citizens Participation Act.

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Because ERC shall accept + file any information voluntarily supplied that exceeds the requirements of the provisions within the Commission's jurisdiction [2-7-30(3)], the alleged violations are:

2-1-1 (C)
2-1-43 (B)
2-1-44 (A)
2-1-44 (D) [1 of 2]
2-1-44 (D) [2 of 2]
2-1-21 (F) [1 of 3]
2-1-21 (F) [2 of 3]
2-1-21 (F) [3 of 3]
2-1-3 (D)
2-1-48 (A)
2-1-48 (B)(1)
2-1-48 (B)(2)
2-1-48 (B)(3)

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In the Violations section, each violation is explicated with supporting testimony & analysis, as well as evidence from the Exhibits section & References/Citations section.

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Because this complaint is being filed with the City Clerk within two years from the date alleged as a violation, it's within ERC's statute of limitations [2-7-41(B)] & [2-7-41(C)].

The concluding Recommendations section is actionable to prevent this evil from happening at any future meeting of any board, commission, committee, or council.

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Violations

[2-1-1(C)] - Federal law & state law were superseded by Chapter 2-1 though Federal law & state law supersede Chapter 2-1 to the extent of conflict, per 2-1-1(C).

Specifically, 2-1-48(A) says, in part, that "Each person... should not... use disparaging or abusive language... during a board meeting." Though that rule of order is derived from

Robert's Rules of Order (11th edition)

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debate decorum rule that says, "no reviling or nipping words" (P. XXXIV - dating back to 1804). Citizen Communication is not debate, though it is part of the board meeting, because debate is "the parliamentary name given to any form of discussion of the merits of a motion." (P. 29, lines 12-13).

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Therefore, Citizen Communication is a limited public forum because "Limited public forums," for purposes of free expression, are those forums which Government has voluntarily opened for use by public or certain speakers for expressive activity (Reed v. State, citing U.S.C.A. Const. Amend. 1 and Vernon's Ann. Texas Const. Art. 1 § 8).

Still, Government may restrict speech in limited public forums, as long as the regulation (1) does not discriminate against speech on the basis of viewpoint, and (2) is reasonable in light of the purpose served by the forum (Fairchild v. Liberty Independent School Dist.; Chi v. Plano Independent School District).

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However, The City regulation against the use of disparaging or abusive language during Citizen Communication does not meet either of the two required criteria because disparaging and/or abusive language is inextricably intertwined with the viewpoint being expressed by that language and because it's not reasonable in light of the purpose served by the forum, to ~~speak~~ freely speak about board-related subjects not on that meeting's agenda.

In fact, in *Matal v. Tam* (2017) the U.S. Supreme Court unanimously ruled that a similar "disparagement clause" violated the Free Speech clause of the First Amendment because "It offends a bedrock First Amendment principle: Speech may not be banned on the ground that it expresses ideas that offend."

Further, "We have said time and again that the public expression of ideas may not be prohibited merely because the ideas are themselves offensive to some of their hearers", *Citizens United v. New York* and *Texas v. Johnson*.

In fact, Justices Kennedy, Ginsburg, Sotomayor + Kagan separately said, "The Government may not insulate a law from charges of viewpoint discrimination by

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tying censorship to the reaction of the speaker's audience. Indeed, a speech burden based on audience reactions is simply government hostility and intervention in a different guise. The speech is targeted after all, based on the government's disapproval of the speaker's choice of message. For reasons like these, the Court's cases have long prohibited the government from justifying a First Amendment burden by pointing to the offensiveness of the speech to be suppressed."

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And Justice Thomas individually warned that, "A law that can be directed against speech found offensive to some portion of the public can be turned against minority and dissenting views to the detriment of all. The First Amendment does not entrust that power to the government's benevolence. Instead, our reliance must be on the substantial safeguards of free and open discussion in a democratic society."

Though Texas Penal Code 42.01(a)(1) says a person commits an offense of disorderly conduct if he intentionally or knowingly uses abusive, indecent, profane, or vulgar language in

a public place, and the language by its very utterance tends to incite an immediate breach of the peace language that is merely harsh and insulting is not included (Ouren v. Furr's Supermarkets, Inc.).

In fact, the Texas Attorney General said, Article 42.01(a) of the Penal Code applies only to speech which as a matter of fact constitutes 'fighting words'. As a matter of law, the statute does not reach speech that merely causes public inconvenience, annoyance, or unrest.

'Fighting words' are words which would likely cause an average addressee to fight. An 'average addressee' is not someone either overly sensitive or overly inured to the speech in question."

(3 Tex. Att'y Gen. Op. 16, JM-900 E. 1988.)

Therefore, though the City may prefer us Citizen Communicators not use disparaging or abusive language, it cannot ban or punish us for their usage by us.

2-1-43 (B) - The presiding officer of the Commission for Women did not comply with Governmental Code Chapter 551 (Texas Open Meetings Act), though each board shall comply with

Governmental Code Chapter 551
(Texas Open Meetings Act), per
2-1-43(B).

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When Asten told security to remove
me from the July 10, 2019 CFW
meeting during my Citizen
Communication for allegedly violating
the disparaging / abusive language
decorum rule that does not apply
during Citizen Communication to
member of the public speakers
Speaking during the allotted three
minutes that meeting was no
longer open to me, a member of
the public, though Texas Government
Code 551.002 states, "Every
regular, special, or called meeting of
a governmental body shall be open
to the public, except as provided
by this chapter."

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Therefore because the CFW meeting
was still open at that time to
members of the public not me & no
exceptions from Chapter 551 legally
prevented me from staying at the
July 10, 2019 meeting, much less
finishing my Citizen Communication
uninterrupted, Asten is guilty of
this violation by illegally discriminating

against my legal attendance & participation
in accordance with applicable federal,
state, & city laws.

* NOTE: Though Robert's Rules of Order
(11th edition) state that "the
Chair has the power to require nonmembers
to leave the hall, or to order their
removal, at any time during the meeting;
and the nonmembers have no right of
appeal from such an order of the
presiding officer" (P. 648, lines 17-21),
such nonmembers are defined as
"guests of the organization" (P. 648,
lines 12-13).

However, because we members of the
public have the legal right to attend
such board meetings (Texas Gov't
Code, 551.002) & participate in them
to the maximum extent permitted
by law by speaking freely during
Citizen Communication (Texas Citizens
Participation Act), which both supersede
Robert's Rules of Order, we members of
the public are not "guests of the
organization."

Therefore, presiding officer / chair Austin does
not have the legal power to require us
members of the public to leave the meeting
or order our removal at any time,

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without just cause (i.e., going to closed executive session) dealing with an unruly member of the public who intentionally & repeatedly disrupts or delays the business of the meeting.) *

2-1-44(A) - Under CFW presiding officer Austin, the July 10, 2019 CFW meeting was not governed by CFW bylaws (See Exhibit (-E)), though board meetings are governed by the board's bylaws, per 2-1-44(A).

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Though Article 7(A) of the CFW bylaws says, "The board meetings shall comply with Texas Gov't Code Chapter 551 (Texas Open Meetings Act), the CFW did not comply with Texas Gov't Code Chapter 551 (Texas Open Meetings Act), as previously described in violation of 2-1-43(B).

Though Article 7(J) says "The board shall allow citizens to address the board during a period of time set aside for citizen communications. The Chair may limit a speaker to three minutes," Austin did not allow me to address the CFW

for three minutes during my Citizen Communication.

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Though Austen was the only one who repeatedly tried speaking over my July 10, 2019 communication before illegally directing Security to illegally remove me during my communication, none of the attending CFW members said, or did anything to stop the presiding officer's (Austen's) unlawful words or actions not governed by CFW bylaws, making the attending CFW members accessories at the fact to Austen's alleged crimes.

2-1-44 D

- For the July 10, 2019

1 of 2

meeting, under the

presiding officer (Austen),

The CFW unofficially adopted special rules of procedure that were not required. Though boards may adopt special rules of procedure as required, per 2-1-44 (D).

At the beginning of Citizen Communication, but immediately before Austen called me to speak on July 10, 2019, Austen first read into the record the Constitutional Standing rules of procedure for Citizen Communication; Then she read into the record additional,

new special rules of Citizen Communication
that were not Constitutional that
were not required that were not
officially adopted by the CFW
July 10, 2019 (See Exhibits C-2
and C-3).

(b) (6)(A)
(b) (7)(C)

Austen first said:

"I remind everyone that Citizen Communications are limited to three minutes per speaker, and Commissioners and other attendees shall not interrupt the speakers during that time."

- Constitutional Standing Rules

(b) (7)(D)
(b) (7)(E)

Then Austen spoke the additional, new, special rules that are unConstitutional:

"Speakers are directed not to use disparaging or abusive language; speakers may criticize a public official or public figure, but may not use personally derogatory or disparaging remarks."

Please find a way, speakers to state your criticism without

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using disparaging or derogatory remarks. If a speaker continues to violate the decorum for Commission for Women meetings their time may be cut short, or they may be removed from the meeting."

Therefore, because there was no motion or vote to officially adopt them July 10, 2019, the additional new, special unconstitutional rules of Citizen Communication procedure were unofficially adopted by the CFW before & outside the July 10, 2019 meeting or then & there by tacit consent because no CFW member spoke against them during Citizen Communication on July 10, 2019.

2-1-44 (D)

[2 of 2]

- The Commission for Women's special rules of procedure for Citizen Communication conflicted with state and federal law and the Commission's bylaws and the City Code. Though the board's (Commission's) special rules of procedure for Citizen Communication may not conflict with state or federal law, the board's bylaws or the City Code, per 2-1-44 (D).

See explicated violations 2-1-1(C)
+ 2-1-44(A) for details.

2-1-21(F) - CFW presiding
officer Austen

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11 of 3 | violated her oath of
office at the July 10, 2019
meeting, though 2-1-21(F)
requires each CFW member to
have signed a written
acknowledgement stating the person
has taken the oath of office.

CFW chair/presiding officer
Rebecca "Becky" Austen's signed
& notarized oath of office,
dated February 21, 2017, says
in part, that:

"I, Rebecca Austen, do solemnly
swear (or affirm), that I will
faithfully execute the duties of
the office of Commission for
Women of the State of Texas,
and will to the best of my
ability preserve, protect, and
defend the Constitution and laws
of the United States and of
this State, so help me God."

See Exhibit C-7 for documentation.

However, by unofficially introducing additional new, special, unconstitutional Citizen Communication rules before the board (CFW) then illegally implementing & enforcing them by repeatedly trying to speak over then cut short my Citizen Communication without just cause by illegally ordering Black Male security guard Lewis Austin from Allied Universal Security to illegally remove me from the meeting to violate the U.S. Constitution First Amendment's Free Speech clause, the U.S. Constitution's 14th Amendment Due Process clause, Texas Constitution Art. I, § 8, The Texas Open Meetings Act, & the Texas Citizens Participation Act, Austin did not to the best of her ability preserve, protect, and defend the Constitution and Laws of the United States and of this State, so help her God.

In fact, Austin did the exact opposite, attacking the Constitution and laws of the United States, and of this State to the best of her ability, so hurt her God.

* NOTE : CFW Staff liaison, Vicky Nguyen, Human Resources

Department, similarly tried repeatedly talking over me during my Citizen Communication during the Special Called December 12, 2018 (FW meeting,

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See Exhibit C-8 for the online link to the December 12, 2018 meeting audio to hear my December 12, 2018 Citizen Communication (1:30 - 4:40).

At that time, I immediately brought Ms. Nguyen's violation to the attention of Ms. Stephanie Hall, Coordinator of Boards + Commissions, by telling her in person at City Hall what Ms. Nguyen had just done.

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When I followed up directly with Ms. Hall, in person, days later, Hall told me she had listened to the audio recording of what Ms. Nguyen did + said, then spoke to her over the phone so she understood what she did wrong so she did not do that again.

I also handed Ms. Hall a 2-page handout that I created (See Exhibit C-9) to let her know then the "disparaging or abusive language" clause in 2C1-98(A) was unconstitutional for Citizen Communication during a board meeting, so it could not be used to punish or ban

Citizen Communicators using such Constitutionally protected hate speech, per *Matal v. Tam* (2017).

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MS. Hall told me she'd look at it & consider it.

So, when I similarly spoke during my Citizen Communication at the CFW June 17, 2019 Special called meeting (See Exhibits E-3 + E-10) without being interrupted, I figured MS. Hall had fixed the problem & that the CFW had learned from MS. Nguyen's December 12, 2018 mistake, moving toward following Constitutional law.

Therefore, what Chair/presiding officer Auster did at the July 10, 2019 meeting not only was several steps backward for the CFW, but an intentional, escalated attempt to illegally "reset" the Citizen Communication norm to further restrict free speech unlawfully to control public speakers by censoring and/or silencing viewpoints the CFW doesn't like or agree with, because neither MS. Nguyen nor any of the attending CFW members did or said anything to challenge and/or stand against Auster's words or actions that broke the rules and law. ✗

2-1-21(F)

[20+3]

- Presiding officer/chair Auster for the July 10, 2019 meeting did not comply

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with the City's ethics + personal responsibility guidelines, though she signed a written acknowledgement stating she had received a copy of + agreed to comply with the City's ethics + personal responsibility guidelines per 12-1-21 (E).

See Exhibit G-II for documentation.

Per <http://www.cityofaustin.org/edims/document.cfm?id=114601>, the Ethics for City of Austin Boards and Commissions workbook document says, in part:

"To ensure a fair and open government, as a board or commission member, you are subject to certain laws and regulations concerning your conduct..."

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These laws signify the seriousness of the work you are about to undertake...

Violating the laws that govern your conduct as a public servant can result in more than public embarrassment - it can result in criminal liability..."

Therefore, despite being explicitly warned when being trained to be a Commissioner, Austin abused her official capacity +

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Committed official oppression, violating Texas Penal Codes 39.02 & 39.03 to not comply with the City's ethics & personal responsibility guidelines.

Also, the Ethics for City of Austin Boards and Commissions training workbook document says with respect to personal judgment that:

"If you do not feel that you can separate your personal feelings from a decision, you are free to recuse yourself."

However, Austin did not recuse herself during Citizen Communication July 10, 2019, though she appeared not able to separate her personal feelings against me, and/or what

I was saying from her decision to illegally censor their silence, my Citizen Communication and illegally direct security to illegally remove me from the July 10, 2019 meeting for what I had legally spoke.

In fact, Austin was so focused on trying to control & bully me during my Citizen Communication that she got up out of her chair & started walking at me to try physically intimidating me to effeminate & dislodge me to try making me back up and/or stop talking, which I did not do, to not allow her that power.

(c)(1)(B)
(c)(8)

over me, to not allow her to confuse or control me, to not allow her to gaslight or dominate me.

Instead, I simply stood my ground & continued speaking my Citizen Communication until Austin directed security to illegally remove me from the meeting and Black Male Security guard Lewis Austin, working for Allied Universal, intentionally touched me on the bottom of my left elbow, committing assault by contact, violating Texas Penal Code 22.01(a)(3).

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&
(c)(7)

Therefore, per <http://www.CityofAustin.org/edims/document.cfm?id=114611>, the Roles & Responsibilities for Board Members training workbook document bullet points that were not complied with by Austin during my illegally abbreviated Citizen Communication were:

- Be polite and impartial
- Be attentive to those who are presenting their point of view
- This is an important issue to them and their voice must be heard
- Follow the rules in the City Code and in the board's bylaws
- Follow the bylaws, policies, and procedures for your board or commission

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- Think about your actions how you present yourself and how you represent the city
- These things make an impression on your board or commission and its effectiveness
- Be professional

2-1-21(F)

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- Presiding officer / chair Austen did not follow the training required by Section 2-1-23, though she signed a written acknowledgement stating that she completed the training by Section 2-1-23.

See violations of 2-1-1(C), 2-1-43(B),
2-1-44(A), 2-1-44(D) + 2-1-21(F)
and Exhibit C-11 for details.

2-1-3(D)

- Under chair/presiding officer Austen, the CFW did not comply with Chapter 551 (Texas Open Meetings Act) at their July 10, 2019 meeting, though 2-1-3(D) says the CFW must comply with Chapter 551 (Texas Open Meetings Act).

Specifically, when the attending CFW members wrongfully allowed Austen to illegally direct security to illegally remove me from the July 10, 2019 meeting by saying + doing nothing,

(10) they violated Texas Government Code 551.002 requiring that "Every regular, special, or called meeting of a governmental body shall be open to the public, except as provided by this chapter."

(88) Therefore, because the July 16, 2019 meeting was still open at that time to members of the public not me & no exceptions from Chapter 551 legally prevented me from staying at the meeting, much less finishing my Citizen Communication uninterrupted, the attending CFP members are guilty of this violation.

[2-1-48(A)] - Chair/presiding officer Austen did not observe decorum by speaking out of turn, though 2-1-40(A) says each board member should observe decorum by not speaking out of turn.

(9) When Austen repeatedly tried speaking over me during my Citizen Communication without just cause, and when she illegally directed Security to illegally remove me from the meeting w/ that just cause, while I was speaking during my Citizen Communication, she repeatedly

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Spoke out of turn, meaning she did not observe decorum, violating 2-1-48(A).

2-1-48(B)(1) - Presiding officer Austen created + fomented disorder, though 2-1-48(B)(1) says the presiding officer should maintain order.

See violations 2-1-1(C), 2-1-43(B), 2-1-44(A), 2-1-44(D), 2-1-21(F), 2-1-3(D), 2-1-40(A), + 2-1-48(B)(2) for details.

In fact, as soon as Austen started reading out loud the additional, new special, unconstitutional rules that were not officially adopted that did not belong, she tried speaking into existence an alternate, ass-backwards anti-reality that is unconstitutional + upside down to illegally confuse + control me to effeminate + emasculate me to gaslight + dominate me to make me wait on, accommodate + serve her though it's she who is legally bound to wait on, accommodate + serve me because she is a public servant, per Texas Penal Code